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AF/ 2141-



DOCKET NO.: E0295.70136US00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Fred Oliveira et al.  
Serial No: 09/474,607  
Confirmation. No.: 2467  
Filed: December 29, 1999  
For: METHOD AND APPARATUS FOR USING MULTIPLE PATHS FOR  
PROCESSING OUT OF BAND COMMANDS  
  
Examiner: Pollack, Melvin H.  
Art Unit: 2141

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

The undersigned hereby certifies that this document is being placed in the United States mail with first-class postage attached, addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the 27<sup>TH</sup> day of July, 2004.

Richard F. Giunta, Reg. No. : 36,149

Commissioner For Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Transmitted herewith are the following documents:

- [X] Comments on the Interview Summary Dated July 14, 2004
- [X] Return Receipt Postcard

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Technology Center 2100

If the enclosed papers are considered incomplete, the Mail Room and/or the Application Branch is respectfully requested to contact the undersigned at (617) 720-3500, Boston, Massachusetts.

A check is not enclosed. If a fee is required, the Commissioner is hereby authorized to charge Deposit Account No. 23/2825. A duplicate of this sheet is enclosed.

Respectfully submitted,  
Fred Oliveira et al., Applicant

By:   
Richard F. Giunta, Reg. No.: 36,149  
Wolf, Greenfield & Sacks, P.C.  
600 Atlantic Avenue  
Boston, Massachusetts 02210-2211  
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Docket No. E0295.70136US00  
Date: 07/27/04  
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Richard F. Giunta, Reg. No. 36,149

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Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

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**COMMENTS ON THE INTERVIEW SUMMARY DATED JULY 14, 2004**

Sir:

A telephone interview was held in connection with this application on July 7, 2004. The interview was summarized extensively by Applicants in an amendment filed July 9, 2004. In addition, Applicants recently received an interview summary, mailed July 14, 2004, prepared by the Examiners.

The interview summary prepared by the Examiners is consistent in many respects with that presented by Applicants. To the extent there is any inconsistency, Applicants stand behind the Applicants' summary.

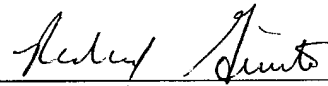
The Examiner's interview summary indicated that a number of recommendations were made for advancing prosecution, including explanations for the meaning of a number of terms. Many (if not all) of these were addressed in Applicants' response. To ensure clarity of the record, Applicants suggest that one source be used as providing the meanings of the terms used by Applicants and the Examiners during prosecution, and suggest that Applicants' papers are the

best source for achieving this purpose. Thus, to the extent that any of the suggested meanings presented in the Examiner's interview summary have not been adopted by Applicants, it is suggested that those meanings not be attributed to any of the discussed terms. If the Examiners disagree with this approach, the undersigned suggests that they contact the undersigned so that we can discuss how to ensure clarity in the record.

The interview summary notes that a number of limitations reside in the preambles of the claims, and questions the amount of patentable weight that Applicants believe should be given to these limitations. The vast majority of limitations in the preambles provide an antecedent basis for terms that are recited in the bodies of the claims, and therefore, it is believed that the preambles should be given patentable weight.

If there are any questions concerning the foregoing, the Examiners are invited to contact the undersigned at the number listed below.

Respectfully submitted,  
*Fred Oliveira et al., Applicants*

By:   
Richard F. Giunta, Reg. No. 36,149  
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